

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEITH LAMAR,

Petitioner,

-vs-

TODD ISHEE, Warden,

Respondent.

:

Case No. 1:04-cv-541

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

ORDER STRIKING REPLY MEMORANDUM

This case is before the Court on Petitioner's Motion (Doc. No. 69) to Strike the Warden's Reply (Doc. No. 68) to Petitioner's Response (Doc. No. 67) to the Warden's Objections (Doc. 64) to the Magistrate Judge's Report and Recommendations (Doc. No. 62) on the Warden's Second Motion to Dismiss (Doc. No. 57).

Fed. R. Civ. P. 72 provides that any party may file objections to a report and recommendations and the opposing party may respond. In this case as to the Second Motion to Dismiss, both parties have objected and both parties have responded to their opponent's objections. The Rules of Civil Procedure do not provide for any additional filings on reports and recommendations and the Warden neither sought nor obtained permission to file the Reply.

Accordingly, Petitioner's Motion to Strike is GRANTED.

December 12, 2005.

s/ **Michael R. Merz**
Chief United States Magistrate Judge